

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|--------------------|---|---------------------------|
| CARLO CICCONE, |) | CASE NO. 1: 09 CV 446 |
| |) | |
| Plaintiff, |) | |
| |) | JUDGE DONALD C. NUGENT |
| v. |) | |
| |) | |
| MEMBERHEALTH, LLC, |) | <u>MEMORANDUM OPINION</u> |
| |) | <u>AND ORDER</u> |
| Defendant. |) | |

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli (ECF # 15). The Report and Recommendation, filed on May 5, 2009, is ADOPTED by this Court (ECF # 15), and Defendant's Motion to Dismiss is GRANTED (ECF # 4).

This matter was referred to Magistrate Judge Vecchiarelli for general pretrial supervision, including the preparation of a report and recommendation on dispositive motions (ECF # 5). On May 5, 2009, Magistrate Judge Vecchiarelli recommended that this Court grant Defendant's Motion as to Count III of the Amended Complaint, and remand the remaining claims to the Court of Common Pleas for Cuyahoga County, Ohio. Plaintiff did not file any objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). Upon consideration of the entire record, the Court finds Magistrate Judge Vecchiarelli's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the Report and Recommendation is ADOPTED in its entirety (ECF # 15), and Defendant's Motion to Dismiss is GRANTED as to Count III of the Amended Complaint (ECF #

4). Plaintiff's remaining claims are hereby REMANDED to the Court of Common Pleas for Cuyahoga County, Ohio. This case is TERMINATED.

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: June 12, 2009